

R E M A R K S

Claims 1-27 are pending and have been examined. The particular topics in the office action are addressed as follows.

Claims 22-27 stand rejected under 35 U.S.C. § 101 as being directed toward nonstatutory subject matter. The preamble of claim 22 is amended to specify software stored on a computer readable medium. The amendment places the claim in conformance with Patent Office practice as the software recorded on a computer readable medium is capable of controlling a computer. The amendment is believed to render the objection moot.

Claims 1-27 stand rejected under § 103 as being unpatentable over Li and Vange. The rejection is respectfully traversed.

With respect to claim 1, the examiner correctly recognizes that Li fails to disclose the claim 1 step of spreading communications. Li provides a dynamic server that permits a computer in a LAN to select a new server if a current “server is shut down or disconnected from the network” or “if a new one of computers 12 becomes available that would be a better server”. C5, L28-37. Despite having computers connected in a network and also having computers in the network that have their own internet connection, Li only recognizes switching and fails to contemplate the possibility of spreading communications among multiple internet resources of clients connected in a network. Contrary to the position taken in the rejection of claim 1, Vange does not suggest any modification of Li to spread communications among plural clients in Li’s network.

Vange does not network clients and then share individual internet resources of clients by spreading communications as required by claim 1. The examiner points to the last-mile interface as disclosing the spreading of client communications. This is incorrect.

Vange discloses a prioritization scheme, and does not provide any scheme for clients to spread their communications among multiple resources of the clients. Vange permits entities outside of the last mile provider system to have control over the priority of packets within the last mile system. [0018]. A front end server is presented as an interface to the last-mile communication system, and this server conducts prioritization and buffering to reorder requests before transmitting them over the internet or to reorder incoming traffic from the internet to the last-mile. [0020]. Vange's system is concerned with e-commerce and providing high quality service for particular types of communications that most benefit from quality of service guarantees. [0008]-[0010]. Vange basically discloses a scheduling server that acts as an interface between an internet service provider and the internet connection of the internet service provider. Vange says nothing whatsoever about forming a network of clients to leverage client communication resource connections to spread communications.

The rejection of claim 5 is separately traversed. The examiner compares Vange's front end server to the proxy in claim 5, but there is no correspondence between the proxy of claim 5 and Vange's front end server. Vange's front end server acts as a buffer and collects and prioritizes communications, but does not provide any proxy service.

The rejection of claim 6 is separately traversed. The examiner points to paragraph 42 of Vange and the load balancing provided by the front end server 210. These additional front end servers are provided to websites as described in the paragraph. The claim 6 limitation modifies features of claim 1 and requires selecting a communication resource connection of a client. Thus, the claim 6 step requires usage patterns of client connections to be evaluated, and is not concerned with loads placed on servers as contemplated in paragraph 42 of Vange.

The rejection of claim 7 is separately traversed. Claim 7 requires the spreading as conducted on a packet basis. The examiner points to the prioritization being conducted on a packet basis by the front end server in Vange. This does not correspond to the claim 7 limitation in which client communication resource connections of a plurality of clients have communications spread among them on a packet basis. Similarly, claim 8 is not met by Vange's teachings. Claim 8 concerns spreading on a session basis among a plurality of clients having communication resource connections.

The rejection of claim 9 is separately traversed. Claim 9 requires one of the clients to act as a proxy, and Vange includes no such teaching. In addition to not providing a proxy in the front end server, Vange does not disclose any function performed by a client on behalf of another client in the network of clients.

The rejections of claims 10 and 11 are separately traversed. In these claims, a proxy is established to handle client requests that results in the spreading of communications as specified in claim 1. Vange does not disclose any method whereby a proxy acts to redirect

a client communications to resources of other clients, but that is what is required by claims 10 and 11. In the case of claim 10, the proxy is a device outside the network of clients and in the case of claim 11, the proxy is a device accessed to the internet.

Regarding claim 13, the examiner again relies upon the combination of Li and Vange, and particularly the load balancing conducted by a front end server to assist a website as described in paragraph 42. This bears no correspondence to claim 13. In claim 13, clients pool together to share internet access connections of the clients. This is a client based solution, and enables clients to independently (in preferred embodiments) share resources. Bursts of traffic are then divided across the internet connections created by the pooling. Claim 13 defines a method in which clients can pool their resources with or without the assistance of an outside device. The combination of Li and Vange, at most, is a server side prioritization scheme and does not pool resources of any clients.

The rejection of claim 15 is separately traversed. In claim 15, there is a proxy provided to assist clients requesting a session, and that proxy when considered with the limitations of claim 13 would assist in the pooling of the connections and allow dividing bursts of traffic from the client. Li provides no proxy for pooling resources. The proxy of claim 15 assists in the dividing of bursts of traffic in that it can redirect requests from a burst of traffic back to an appropriate client and do the same in the reverse direction. No proxy services are provided by either of the references to pool resources.

The rejection of claim 16 is separately traversed. In claim 16, choosing an internet access connection is conducted on a packet basis to aid the spreading of

communications. Thus, there is a packet granularity level selection between multiple internet access connections of clients in the pooled resources. The dynamic prioritization for web servers in paragraph 42 of Vange bears no resemblance to the packet choosing of claim 17. Similarly, claim 18 conducts the choosing on a session basis to spread communications among clients and Vange discloses no choosing to spread communications among clients.

The rejections of claims 19-21 are separately traversed. As discussed above with respect to claims 10-12, the proxies here are proxies that enable the spreading of communications in response to a client request among the pooled connection resources of other clients. The references provide no proxy to leverage the communication resources of other clients and certainly no pool of clients.

Regarding claim 22, the examiner relies upon Vange as modifying Li to establish clients having gateway devices in a client community. The front end server is again relied upon, but cannot correspond to the gateway devices and the steps in claim 22. In claim 22, gateway devices of clients communicate and participate in selecting of client communication resources. Gateway devices performing these functions permit clients to pool resources. Neither of the references have any gateways to pool client resources. The front end servers of Vange do prioritize communications, but do not act to combine any client resources.

For all of the above reasons, applicant requests reconsideration and allowance of the application. The separate patentability of dependent claims not discussed is maintained. Should the examiner believe that outstanding issues exist and that a telephone conference would aid prosecution, the examiner is invited to contact the undersigned attorney at the below-listed number.

Respectfully submitted,

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